

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: **Douglis et al.**

Serial No.: **10/737,213**

Filed: **December 16, 2003**

For: **Method and Apparatus for Data
Redundancy Elimination at the Block
Level**

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§

Group Art Unit: **2167**

Examiner: **Miranda Le**

Attorney Docket No.: **YOR920030576US1**

35526

PATENT TRADEMARK OFFICE
CUSTOMER NUMBER

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Notice of Non-Compliant Appeal Brief was received by Applicant stating that “the appeal brief filed on April 5, 2007 is considered non-compliant because “The brief does not contain a statement of the status of all claims (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii))”. A copy of the Notice of Non-Compliant Appeal Brief is attached hereto.

No fees are believed to be required. If, however, any fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 50-0510. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 50-0510.

In response to the Notification of Non-Compliant Appeal Brief dated August 8, 2007, please reconsider the holding of non-compliance as follows:

REMARKS

In the Notification of Non-Compliant Appeal Brief, the Appeal Brief filed on April 5, 2007, was held defective because "The brief does not contain a statement of the status of all claims (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii))". Applicants believe the Examiner is in error because Applicants' originally filed Appeal Brief did include a statement of the status of all claims, as well as all claims on appeal. This statement may be found on **page 4** of Applicants' Appeal Brief, as filed on April 5, 2007. Applicants have attached a copy of page 4 of Applicants' Appeal Brief filed on April 5, 2007 as shown on the public Patent Application Information Retrieval (PAIR) . It is respectfully submitted that the status of the claims included in the Appeal Brief is in compliance with 37 C.F.R. § 41.37.

The Examiner is invited to call the undersigned at the below-listed telephone number if in the opinion of the Examiner such a telephone conference would expedite or aid the prosecution and examination of this application.

Date: August 22, 2007

Respectfully submitted,

/Mari Stewart/

Mari Stewart

Registration No. 50,359

Yee & Associates, P.C.

P.O. Box 802333

Dallas, Texas 75380

(972) 385-8777

ATTORNEY FOR APPLICANTS

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-3, 7-15, 17-20 and 24-34.

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: 4-6, 16, 21-23 and 35-36.
2. Claims withdrawn from consideration but not canceled: None.
3. Claims pending: 1-3, 7-15, 17-20 and 24-34.
4. Claims allowed: None.
5. Claims rejected: 1-3, 7-15, 17-20 and 24-34.
6. Claims objected to: None.

C. CLAIMS ON APPEAL

The claims on appeal are: 1-3, 7-15, 17-20 and 24-34.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/737,213	12/16/2003	Frederick Douglass	YOR920030576US1	7687

35526 7590 08/08/2007

DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS, TX 75380

EXAMINER

ART UNIT

PAPER NUMBER

DATE MAILED: 08/08/2007

Please find below and/or attached an Office communication concerning this application or proceeding.

CLIENT DOCKET INFORMATION
Client Name YOR920030576US1
File No. _____
DATE 09.07.07 ACTION DOCKETED * Response to Notice
of Non-Compliance
Appeal Brief
Docketed By [Signature] Date 08.13.07
Checked By [Signature] Date 8.14.07
Attorney Initials _____ Date _____

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/737,213

Applicant(s)

DOUGLIS ET AL.

Examiner

Miranda Le

Art Unit

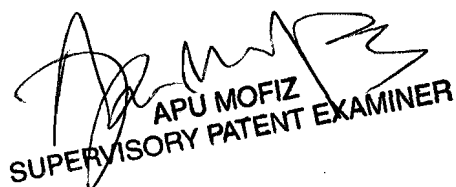
2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

The Appeal Brief filed on 05 April 2007 is defective for failure to comply with one or more provisions of 37 CFR 41.37.

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☒ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☐ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☐ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☐ Other (including any explanation in support of the above items):


APU MOFIZ
SUPERVISORY PATENT EXAMINER



Miranda Le
August 01, 2007